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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,074	10/16/2003	Carsten Heuer	34874-021	8900
64280 7590 05/25/2007 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. 9255 TOWNE CENTER DRIVE SUITE 600 SAN DIEGO, CA 92121			EXAMINER RIMELL, SAMUEL G	
			ART UNIT 2164	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,074

Applicant(s)

HEUER ET AL.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Preliminary Note: The election of claims 1-10 and 15-20 without traverse is acknowledged. Claims 11-14 are withdrawn as directed to a non-elected invention.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 and 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kotas et al. (U.S. Pre-Grant Publication 2003/0204449).

Claim 1: FIG. 1A of Kotas et al. illustrates a user interface having several different user controls. One such control is the rectangular “Search” box in the upper left corner of the interface. As seen by comparing FIGS. 1A with FIG. 3B, the search presents a menu of predetermined queries, such as “Music” or “Camera and Photo”. Each of FIGS. 1A through 4C illustrate various visual configurations associated with the predetermined queries.

User input controls the menu selection in the “Search” box. For example, in FIG. 1A, the user has selected “Music” as the search input from the menu of options available.

Pressing the “Go” button in the “Search” box executes a query on the data repository (544) shown in FIG. 5A.

The resulting pre-determined visual configurations (i.e. the search results) appear in FIGS. 1A through 4C.

Claim 2: FIGS. 1A and 1B have a common pre-determined query “Music” but different visual configurations of the user interface.

Claim 3: In FIG. 1A, the “Search” box permits a user to specify a common predetermined query, such as “Music”, but below this selection is a blank field where the user can further define the query. Accordingly, when the user specifies the common predetermined query of “Music”, different search results can be produced by further defining the query. These results will have different visual configurations, such as different photos of Audio CDs.

Claim 4: The “key figures” can be any information associated with product, such as the title of a work, price, availability and photo of the product. This data is stored in the data repository (544). Search queries using the “Search” box produce the key figures of title, price, availability and photo, as seen in FIG. 1A.

Claim 5: As seen in repository (544), the product information can be organized according to plural characteristics (Product IDs, Marketplace Listings, Pre-Order Listings). When a query is executed, the resulting key figure data presented can be organized as either a pre-order listing, as shown in FIG. 2, or a marketplace listing ready for immediate sale, as shown in FIG. 1A.

Claim 6: When a product query is executed, at least two key figures are presented in the search results, such as title of the work and price.

Claim 7: The results of all queries, such as displayed books or CDs derive from data in the data repository. The pre-determined query will specify specific results (such as a specific book title) which is then retrieved from the repository and displayed to the user.

Claim 8: All search options derive from user input. For example, the “Search” box shown in FIG. 1A does not appear until the user enters the website address in the address field.

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The search options are presented in response to the user entering the correct website address in the address field.

Claim 9: Within the “Search” box in FIG. 1A, either the selection “Music” or the text manually entered to further refine the search (in the field below “Music”) will be user defined.

Claim 10: In FIG. 1A, the user can select the pre-defined search option of “Music” by taking the single action of selecting “Music” from the drop down menu having “Music” as one of the options. It is also noted that any clicking action on any icon in FIG. 1A constitutes a single action user input.

Claim 15: See remarks for claim 1. Each of the pre-defined queries (“Music” or “Camera & Photo” in FIGS. 1A or 3B) is a drill down query since it will produce search results with drill down options. Any clickable icon in the search results are the drill down options. For example, the clickable option “7 Used” at (135) in FIG. 1A is a drill down option.

Claim 16: Any clickable icon in any of the FIGS. 1A through 4C is a drill down option since it further refines the displayed search results.

Claim 17: In FIG. 1A, the “Search” box includes a drop down menu (indicated by the downwardly pointing arrow) which shows the “Music” menu option as selected.

Claim 18: See remarks for claim 1.

Claim 19: In FIG. 1A, the “Search” box includes a drop down menu of options and an additional blank field (adjacent to the “Go” button) for further refining the search. The user defined search option is thus the refining information which the user enters into the blank field to retrieve a specific title. The plurality of search options are the drop down menu of options, such as “Music”.

Claim 20: The data repository is repository (544) in FIG. 5A and the instructions for managing are defined by the inventory management system (535).

Claim 21: See remarks for claim 1. Note that the “associated visual configuration” is the visual configuration of the search results which are associated with a particular search query.

Remarks

Applicant argues that Kotas does not disclose the user entries specifying a predetermined visual configuration in the search results. This argument is moot, as none of the claims actually require that “user entries” specify the visual configuration. Instead, each of the independent claims require that the “search option” specify the visual configuration of the displayed result. There is no requirement in any of the claims that the user entries directly specify the visual configuration of the search results, so this argument is moot.

Applicant argues that none of the screen shots produced in Kotas are produced by selecting a predetermined query. This argument is not correct. In FIG. 3B, for example, Kotas clearly teaches a user selecting a pre-determined query that includes the query term “Camera & Photo”. The query term is pre-determined in the sense that it is selected from a drop-down menu. The search result is an Olympus Digital Camera Package, as shown in the same figure. Kotas clearly teaches both the selection of a pre-determined query and an associated query result.

With respect to claim 2, applicant argues that Kotas does not teach a common pre-determined query. This argument is not correct. In FIGS. 1A and 1B, the term “music” is a common pre-determined query. The query is pre-determined because it is selected from a drop down menu.

With respect to claim 7, applicant argues that Kotas does not disclose a data repository containing the results of an executed query. This argument is not correct. The data repository is source of all data for query results, and thus whatever is contained in the repository is literally readable as query results, since it is literally used to produce those query results. It is noted that the claim does not require that the data repository save the results of previously executed queries, only that the repository “includes a result”, meaning that the repository is only required to include data that produces the query results.

With respect to claim 15, applicant argues that Kotas does not disclose a drill down query with drill down options. Examiner maintains that a selectable menu of queries (such as “music” or “Camera & Photo” in FIGS. 1A and 3B) are in fact drill down queries, lacking any further detail in the claims that indicate otherwise. A clickable option in a search result is a drill down option, lacking any detail in the claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.

A handwritten signature in black ink, appearing to read 'S. Rimell', is positioned above the printed name.

Sam Rimell
Primary Examiner
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